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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Republic of Korea*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate how the concept of disability that is used in the State party's legal order is in compliance with the human rights model enshrined in the Convention. Please indicate how the State party ensures proper understanding of the model and concept enshrined in the Convention, particularly with regard to article 34 (5) of the Constitution of the Republic of Korea.

2. To what extent has implementation of the National Action Plan for the Promotion and Protection of Human Rights (2007–2011) improved the respect of the rights of persons with disabilities?

3. Please provide information on the steps taken to withdraw the reservation on article 25 (e), and on whether progress has been made in amending article 732 of the Commercial Act.

B. Specific rights

Equality and non-discrimination (art. 5)

4. Please provide information on concrete measures adopted to eliminate and amend discriminatory practices, policies and legislation concerning persons with disabilities, at the national and local levels. Please mention any affirmative action taken to achieve the de facto equality of persons with disabilities, taking into account their diversity.

5. Please provide information on the implementation and enforcement of the Anti-Discrimination against and Remedies for Persons with Disabilities Act, and on measures adopted to guarantee persons with disabilities equal and effective legal protection against all types of discrimination.

6. Please provide additional information on the implementation of the Mother and Child Health Act and its Enforcement Decree, which reduces the scope of induced

* Adopted by the pre-sessional working group at its first session (14–17 April 2014).

abortions to cases where "a woman or her spouse has genetic disorders that will highly affect foetuses".

Women with disabilities (art. 6)

7. Please provide information on the implementation of the Framework Act on Women's Development, and on the Basic Plan for Women's Policies which is part of the Five-year Policy Development Plan for Persons with Disabilities. Please mention how the implementation of the Framework Act and the Basic Plan has contributed to improvement of the situation of women with disabilities, in the areas of labour, education, health and social security.

Children with disabilities (art. 7)

8. Please provide information on the specific channels available to children with disabilities for expressing their views on all matters concerning them, including with regard to the development of policies, and on how their views are taken into consideration, on an equal basis with other children.

Awareness-raising (art. 8)

9. Please provide concrete information on activities carried out to raise awareness of the rights of persons with disabilities, and on whether the impact of these activities has been evaluated. Please indicate how the human rights perspective and the Convention have been included in such activities.

Accessibility (art. 9)

10. What measures have been adopted, including accessibility standards, to ensure that persons with disabilities have access on an equal basis with others to the physical environment, transportation, information and communications, including information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas? Please indicate whether sanctions are imposed on those failing to comply with accessibility standards.

Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information on measures taken to review and amend the Act on the Management of Disasters and Safety and the Countermeasures Against Natural Disasters Act, and indicate whether the inclusion of the concept of comprehensive and disability-inclusive disaster risk reduction has been considered.

Equal recognition before the law (art. 12)

12. Please provide information on the amendment of the Civil Act and on the new Adult Guardianship System, which entered into force in July 2013. Please indicate whether this new system replaces substituted decision-making with supported decision-making in the exercise of legal capacity, and how it recognizes legal capacity of persons with disabilities on an equal basis with others.

Access to justice (art. 13)

13. Please provide information on measures adopted to provide equal access to justice for persons with disabilities, including through the provision of accessibility and reasonable accommodation.

Liberty and security of the person (art. 14)

14. Please provide information on the content of the new bill to amend the Mental Health Act proposed by the Ministry of Health and Welfare in January 2014, and on how it ensures the protection of persons with disabilities from involuntary hospitalization, treatment and confinement.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. Please provide information on the regulations that govern the use of chemical, mechanical and physical restraints of persons in psychiatric care, and on the forcible treatment of such persons.

Freedom from exploitation, violence and abuse (art. 16)

16. Please provide information on legislative and administrative measures adopted to assist and support persons with disabilities, including their families and caregivers, in preventing, recognizing and reporting instances of exploitation, violence and abuse. Please indicate whether mechanisms for remedies, accessible to persons with disabilities who are victims of exploitation and abuse, exist in the State party.

17. Please provide additional information on legislative and administrative measures adopted to prevent all forms of violence against women, and indicate how women and girls have been included while such measures have been developed. Please also indicate what mechanisms are available to assist women and girls with disabilities who are victims of violence.

Protecting the integrity of the person (art. 17)

18. Please provide information on measures adopted to prevent forced sterilization and forced abortion.

Liberty of movement and nationality (art. 18)

19. Please indicate whether the State party has plans to abolish article 11 of the Immigration Control Act, which denies entry to persons with psychosocial disabilities. Please explain whether the State party intends to amend article 32 (2) of the Welfare of Disabled Persons Act, which denies the provision of services to immigrants with disabilities.

Living independently and being included in the community (art. 19)

20. Please provide updated information on short- and long-term strategies developed for the deinstitutionalization of persons with disabilities.

21. Please provide concrete information on measures taken by the State party to expand the Personal Assistant Service in order to ensure that all persons with disabilities of all ratings receive personal assistance according to their needs.

Personal mobility (art. 20)

22. Please provide additional information on measures taken to facilitate the personal mobility of persons with disabilities, including the use of accessible signal indicators and street signs, as well as on their access to forms of assistance (human or animal, or assistive technologies and devices), at an affordable cost. Please also provide information on measures that have been taken for wheelchair users to avoid accidents.

Freedom of expression and opinion, and access to information (art. 21)

23. Please provide information on measures taken to recognize sign language as an official language and Braille as an official writing script, and on measures to promote their use. Please also indicate what measures have been adopted to ensure that content from the broadcasting services is accessible to all persons with disabilities, especially those with psychosocial and intellectual disabilities.

Respect for home and the family (art. 23)

24. Please provide data on the number of children put into child welfare facilities on the grounds of their own or their parent's disabilities according to the Child Welfare Act, and information on measures adopted to prevent children with disabilities from being separated from their families and to protect the rights of parents with disabilities to exercise parental authority.

Education (art. 24)

25. Considering the State party's efforts to increase the numbers of special education professionals and special education classes within regular schools, please indicate how the concept of an inclusive education system in accordance with the Convention is understood, and whether measures have been taken to implement this concept. Please provide information on measures taken to improve access to education, particularly post-secondary education and lifelong learning, by persons with disabilities, including women with disabilities.

Health (art. 25)

26. Please provide information on measures adopted to ensure that health services are provided to persons with disabilities on the basis of their free and informed consent.

Work and employment (art. 27)

27. Please provide information on the implementation of the Minimum Wage Act, and on how assessments and decisions are made regarding exceptions from applying the minimum wage in respect of persons with a mental or physical disability. Please indicate any steps taken to amend the Act in order to eliminate discrimination against persons with disabilities.

Adequate standard of living and social protection (art. 28)

28. Please provide information how persons with disabilities have been included in the National Guidelines on Basic Standards of Living. Please also provide information on measures taken to improve the disability pension and disability benefits, as well as to expand the eligibility for the Disability Pension System, as indicated in the State party's report.

Participation in political and public life (art. 29)

29. Please provide additional information on the implementation of the Public Official Election Act, particularly on the denial of the right to vote when a person has been declared incompetent by the courts due to a "mental disorder".

30. Please describe measures taken to increase the percentage of persons with disabilities in high-level public positions.

C. Specific obligations

Statistics and data collection (art. 31)

31. Please provide additional information on the systems in place for the collection of statistical data about persons with disabilities, as well as on the indicators and benchmarks used to assess the impact and results of the public policies designed for the implementation of the Convention.

International cooperation (art. 32)

32. Please provide information on measures taken, through various international development assistance programmes and activities, to promote disability-inclusive development, including the allocation of sufficient resources for effective implementation of the Incheon Strategy.

National implementation and monitoring (art. 33)

33. Please provide additional information on the functions of the Bureau of Policy for Persons with Disabilities and on how this entity coordinates within the various sectors and levels of government to ensure the effective implementation of the Convention.

34. Please describe steps and measures that the State party has taken to ensure full and effective participation by persons with disabilities and their representative organizations in the implementation and monitoring processes of the Convention, irrespective of their diversity and the differences between them.